

### **R E M A R K S**

Reconsideration of this application, as amended, is respectfully requested.

### **THE CLAIMS**

Dependent claim 5 has been added to recite linking selected audio data and selected image data. See, for example, Figs. 7-9 and the corresponding disclosure in the specification.

No new matter has been added, and it is respectfully requested that claim 5 be approved and entered.

### **THE DRAWINGS**

Figs. 1-3 have been amended to add text labels to each of the reference numerals, as required by the Examiner. Submitted herewith are replacement sheets of formal drawings incorporating the amendments. No new matter has been added, and it is respectfully requested that the amendments to the drawings be approved and entered.

### **THE PRIOR ART REJECTION**

Claims 1 and 4 were rejected under 35 USC 102 as being "anticipated" by USP 5,262,877 ("Otsuka") "in view of" US 2003/0055905 ("Nishiyama et al") and US 2003/0011687 ("Imura

et al").<sup>1</sup> Claim 2 was rejected under 35 USC 103 as being obvious in view of the combination of Otsuka, Nishiyama et al, Imura et al, and US 2003/0167287 ("Forster"). And claim 3 was rejected under 35 USC 103 as being obvious in view of the combination of Otsuka, Nishiyama et al, Imura et al, and US 2003/0018777 ("Miller et al"). These rejections, however, are respectfully traversed.

The Examiner acknowledges that Otsuka does not disclose "link release means for canceling a link between arbitrary audio data and image data linked therewith which are stored in the first storage area," as recited in claim 1, or "canceling a link between arbitrary audio data and corresponding image data stored in the first storage area," as recited in claim 4. For this reason, the Examiner has cited Nishiyama et al to supply the missing teaching of Otsuka.

The Examiner also acknowledges that, even taken in combination as suggested by the Examiner, Otsuka and Nishiyama et al do not disclose "moving means for moving the image data, from which the link is canceled, from the first storage area to the second storage area when the link is canceled by the link release

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<sup>1</sup> Since the Examiner has cited a combination of references with respect to claims 1 and 4, and the Examiner acknowledges that Otsuka does not disclose each feature of claims 1 and 4, it is assumed that the rejection under 35 USC 102(b) was intended to be a rejection under 35 USC 103(a).

means, such that the image data from which the link is canceled is no longer stored in the first storage area," as recited in claim 1, or "moving the image data, from which the link is canceled, from the first storage area to a second storage area when the link is canceled, such that the image data from which the link is canceled is no longer stored in the first storage area," as recited in claim 4. For this reason, the Examiner has cited Imura et al to supply the missing teachings of Otsuka and Nishiyama et al.

It is respectfully submitted, however, that the modifications to Otsuka suggested by the Examiner would impermissibly change the principle of operation of Otsuka, and would impermissibly render the invention of Otsuka inoperable for its intended purpose. Accordingly, it is respectfully submitted that Otsuka, Nishiyama et al and Imura et al are not combinable as suggested by the Examiner, and it is respectfully submitted that claims 1 and 4 clearly patentably distinguish over the cited references.

More specifically, according to the Examiner, identification field 16 of the optical disk 10 of Otsuka corresponds to the first storage area of the present invention. The Examiner also appears to consider video memory 334 of the edit and playback apparatus 300 of Otsuka (see column 7, lines 40-45) as corresponding to the second storage area of the present

invention. Presumably, therefore, the Examiner considers "sample images" (or empty frames) B1, B2 and B3 of Otsuka to be the image data stored in the first area according to the present invention, and the Examiner considers voice data e and f to be the audio data to which the image data is linked according to the present invention. In addition, it appears that the Examiner considers control table 34 stored in the identification field 16 according to Otsuka to correspond to the link recited in claims 1 and 4.<sup>2</sup>

It is respectfully submitted, however, that it would not be logical to delete the control table 34 linking sample images B1, B2 and B3 to voice data e and f. Indeed, it is respectfully submitted that if the control table 34 were deleted, then Otsuka would be rendered unable to create a new control table 34a (see Fig. 2) or to play back new images In1, In2 and In3 in correspondence with the voice data e and f (see column 9, lines 50-59).

Accordingly, it is respectfully submitted that there would be no reason to modify Otsuka to provide "link release means for canceling a link between arbitrary audio data and image data linked therewith which are stored in the first storage area," as

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<sup>2</sup> The Examiner has not identified the elements disclosed by Otsuka that are considered to correspond to the recitations of claim 1 or claim 4. This summary of the Examiner's presumed position is based on the Examiner's references to various portions of the disclosure of Otsuka.

recited in claim 1, or "canceling a link between arbitrary audio data and corresponding image data stored in the first storage area," as recited in claim 4, i.e., to provide means or a computer function to cancel the control table 34 of Otsuka, since doing so would render Otsuka inoperable as described above once the control table 34 was deleted.

In addition, it is respectfully submitted that it would not be logical to modify Otsuka to transfer the sample images B1, B2 and/or B3 to the video memory 334 of an edit and playback apparatus in such a manner that the sample image were no longer stored on the CD. It is respectfully submitted, in fact, that such a modification of Otsuka would render Otsuka unable to perform the editing or playback operation disclosed at columns 8 and 9 thereof (which require reading the sample image from the CD). For example, it is respectfully submitted that once the sample image B1 was removed, no playback operation requiring the sample image as disclosed at column 9, lines 19-59 of Otsuka could be performed again using the CD of Otsuka.

Accordingly, it is respectfully submitted that there would be no reason to modify Otsuka to provide "moving means for moving the image data, from which the link is canceled, from the first storage area to the second storage area when the link is canceled by the link release means, such that the image data from which

the link is canceled is no longer stored in the first storage area," as recited in claim 1, or "moving the image data, from which the link is canceled, from the first storage area to a second storage area when the link is canceled, such that the image data from which the link is canceled is no longer stored in the first storage area," as recited in claim 4, i.e., to provide means or a computer function to delete one or more of the images B1, B2 or B3 from the CD when the images are transferred to the video memory 334 of an edit and playback apparatus, since doing so would render playback according to Otsuka thereafter inoperable as explained above.

Therefore, if Otsuka were modified as suggested by the Examiner, Otsuka would be rendered inoperable for its intended purpose. Accordingly, the modifications suggested by the Examiner are necessarily not obvious. As set forth in MPEP 2143.01 V, citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984), "If [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification" (emphasis added).

That is, it is respectfully submitted that there would be no logical reason for one of ordinary skill in the art to modify

Otsuka as suggested by the Examiner, even in view of Nishiyama et al and Imura et al.

In view of the foregoing, it is respectfully submitted that independent claims 1 and 4, as well as claims 2, 3 and 5 depending from claim 1, clearly patentably distinguish over Otsuka and all of the other cited references, under 35 USC 102 as well as under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

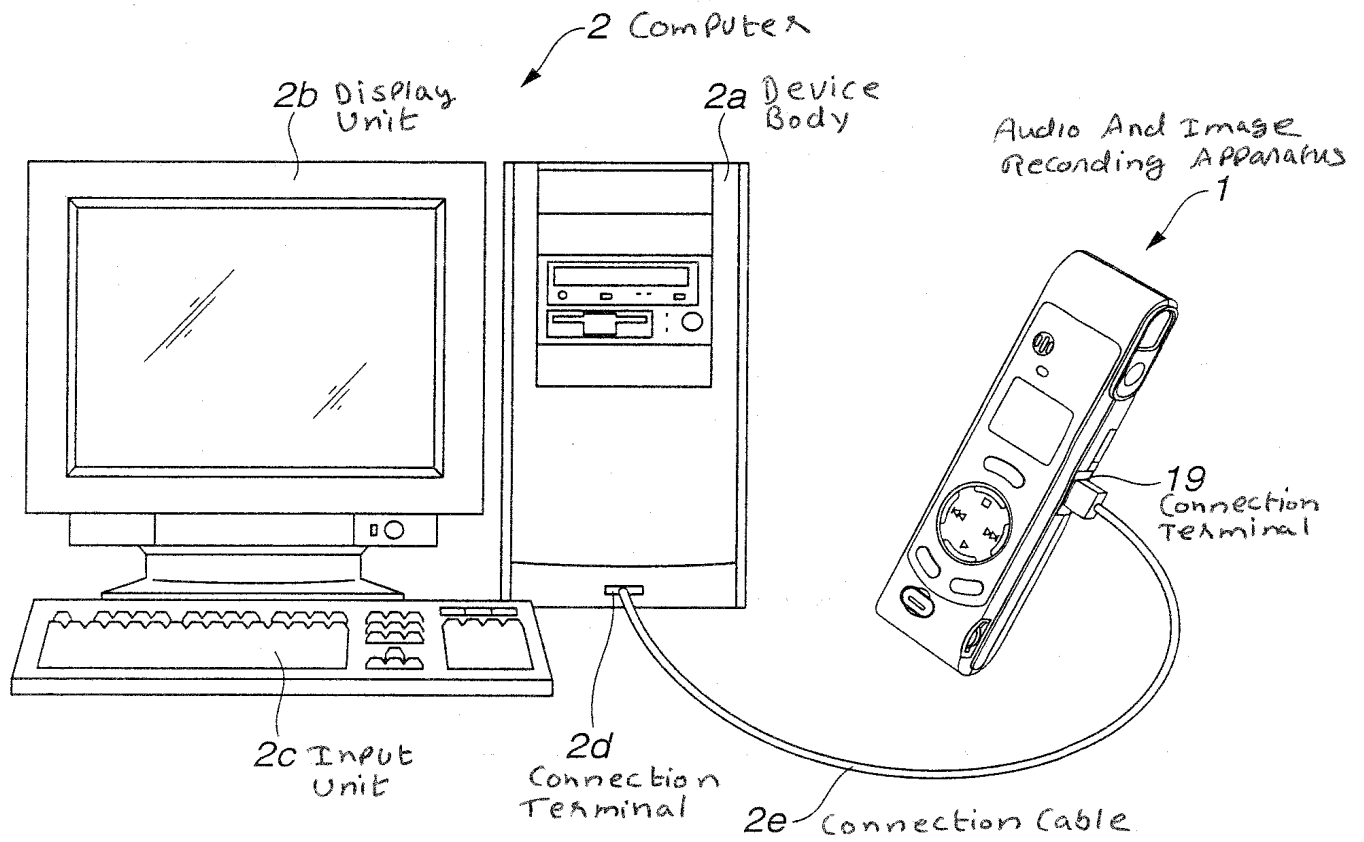
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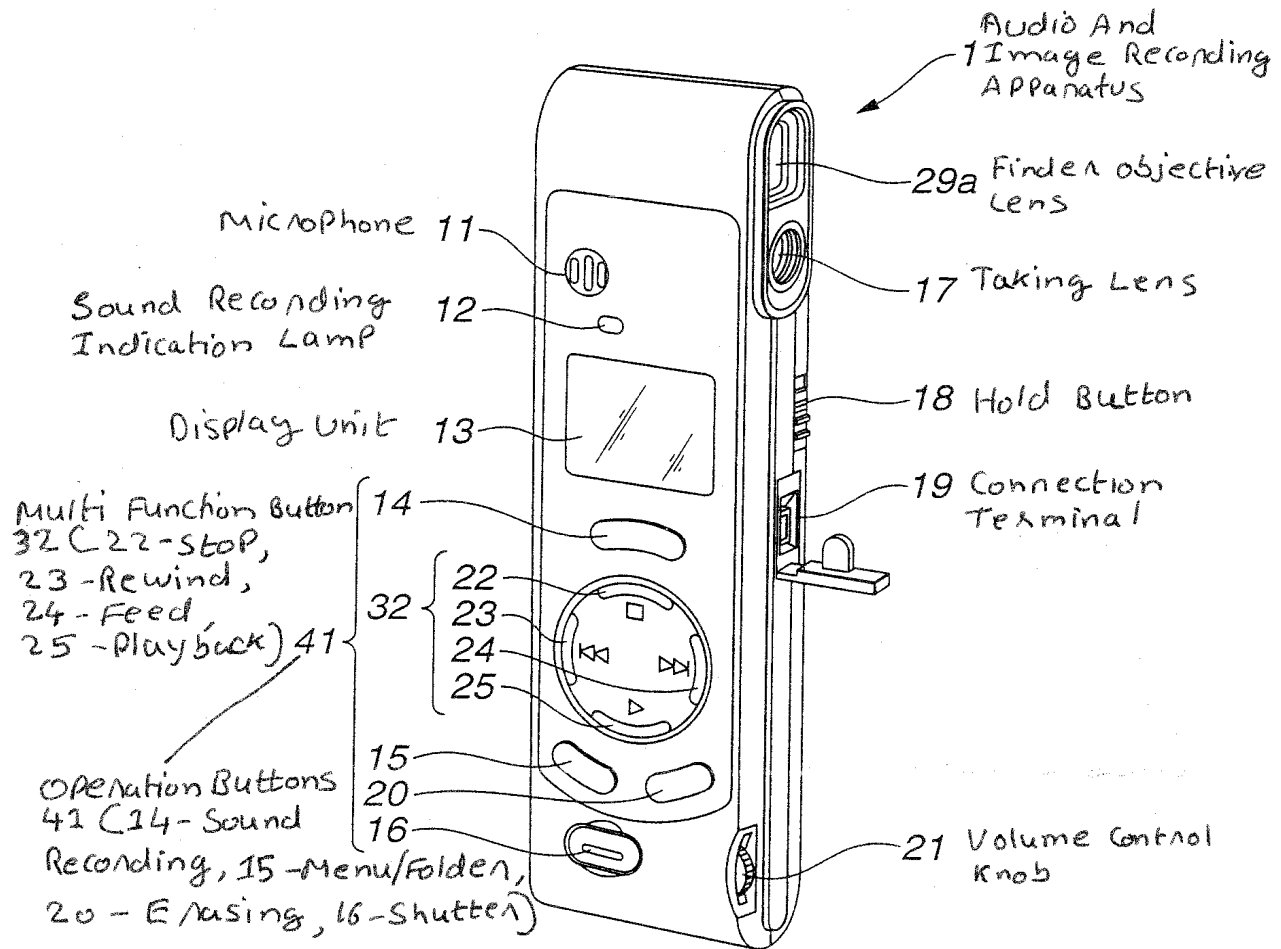
DH:iv/rjl  
encs.

**FIG. 1**





**FIG.2**



**FIG.3**

